

# ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

2008 AUG -7 A 9:02

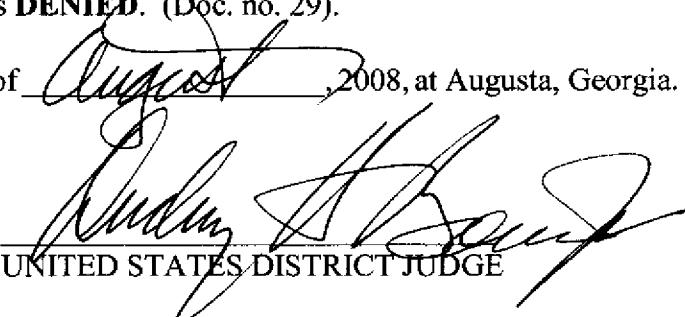
CLERK  
*McClatty*

BOBBY RUTLEDGE, )  
                      )  
Plaintiff,         )  
                      )  
v.                   CV 307-055  
                      )  
DR. FNU LIFT, Medical Physician, Telfair )  
State Prison Medical Department, et al.,    )  
                      )  
Defendants.        )

## ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections (doc. no. 35) have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court.<sup>1</sup> Therefore, Plaintiff's "Motion for Declaratory Judgement [sic] Action," which the Court liberally construes as a motion for default judgment pursuant to Federal Rule of Civil Procedure 55, is **DENIED**. (Doc. no. 29).

SO ORDERED this 7th day of August, 2008, at Augusta, Georgia.

  
UNITED STATES DISTRICT JUDGE

<sup>1</sup>The Court notes that, since Plaintiff filed the instant motion, the United States Marshal has effected service on Defendants Lift and Herman (see doc. nos. 38 & 39) and Defendant Herman has filed an answer (doc. no. 36) to the above-captioned complaint.